

**DECISION
AND
FINDING OF NO SIGNIFICANT IMPACT
FOR THE ENVIRONMENTAL ASSESSMENT:**

**MANAGEMENT OF
WOLF CONFLICTS AND DEPREDATING WOLVES
IN WISCONSIN**

Gray wolf (*Canis lupus*) populations in North America, including the wolf population in Wisconsin, have undergone a dramatic recovery in recent years due to protection from persecution. As a result of this recovery, the United States Department of the Interior, Fish and Wildlife Service (USFWS) announced a final decision to remove gray wolves from the list of federally-protected threatened and endangered species (delisting) on February 8, 2007 (Federal Register 72:6052-6102). However, the combination of an increasing Wisconsin wolf population, human encroachment on wild habitats and conversion of natural landscapes to agricultural and urban environments has led to increased conflicts between wolves and humans. Conflicts with wolves include injury and predation on livestock and pets, and threats to human safety. Management of conflicts with wolves is addressed in the Wisconsin Wolf Management Plan (WWMP; WDNR 1999, 2006) and in the USFWS Eastern Timber Wolf Recovery Plan (USFWS 1992). Prompt, professional management of damage and conflicts with wolves is an important component of wolf management because it facilitates local public acceptance and tolerance of wolves (Fritts 1993; Mech 1995; WDNR 1999, 2006; 50 CFR 17.40(o)). The United States Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services (WS) is the Federal program authorized by law to aid in reducing damage caused by wildlife. The Wisconsin Department of Natural Resources (WDNR), organizations, associations, groups, and individuals have requested USFWS and WS assistance with the management of wolf conflicts and wolf damage in Wisconsin.

On April 24, 2006, while wolves were federally protected as an endangered species, WS, the USFWS and the WDNR prepared an Environmental Assessment (EA) evaluating ways by which the agencies could work together to resolve conflicts with wolves in Wisconsin. The EA documented the need for wolf damage management (WDM) in Wisconsin and assessed potential environmental and social effects from the various alternatives for responding to wolf damage problems. Comments from the public involvement processes for the EA and USFWS permit application were reviewed for substantive issues and alternatives and were considered in developing this decision (Chapter 6 of the EA). The agencies agreed that the EA would remain valid until the USFWS, WDNR, WS and other appropriate agencies determine that new needs for action, changed conditions or new alternatives having different environmental effects must be analyzed or until wolves are no longer protected by the ESA. The present Decision document provides notification of WS' selection of a management alternative for the period after the delisting of wolves.

The original management alternative selected by WS, the WDNR, and the USFWS was Alternative 2, Integrated Wildlife Damage Management (IWDM) on public and private lands in Wisconsin. The IWDM approach, commonly known as Integrated Pest Management (WS Directive 2.105), involves the simultaneous or sequential use or recommendation of a combination of methods to reduce damage. The wolf damage and conflict management methods used by WS are not based on punishing offending animals, but are components of damage management strategies developed and implemented using the WS Decision Model thought process (Slate et al. 1992; USDA 1997 revised; WS Directive 2.201). All WDM

activities would be conducted in compliance with relevant laws, regulations, policies, orders and procedures, including the Endangered Species Act of 1973.

WILDLIFE SERVICES ROLE IN WISCONSIN WOLF DAMAGE MANAGEMENT AFTER DELISTING

WS was the lead agency in the preparation of the EA, and the USFWS and WDNR were cooperating agencies. The Great Lakes Indian Fish and Wildlife Commission (GLIFWC), Wisconsin Ho-Chunk Nation, and the Lac du Flambeau Band of Lake Superior Chippewa Indians were consulting agencies in the production of the EA. Once the delisting of wolves goes into effect, primary statutory authority for managing wolves will shift from the USFWS to the WDNR and tribes. WS retains its responsibilities as the Federal program authorized by law to provide assistance with the reduction of damage caused by wildlife.

Although the WWMP provides some general information on the way wolves will be managed after management authority transfers to the WDNR and tribes, exact details on how damage problems will be addressed and their associated impacts are not finalized. The WDNR feels it is important to provide assistance to Wisconsin residents with wolf damage problems while these details are being settled, and would like to continue to have WS' assistance with wolf damage management. However, The WDNR has stated that it will take action to resolve wolf damage problems, in accordance with their management authority, even if WS is not involved in WDM. WS has chosen to continue using Alternative 2, Integrated Wolf Damage Management of the EA as the preferred management alternative for the period after the delisting of wolves. WS will implement the Standard Operating Procedures described in EA Section 3.5 for use while wolves were a federally-listed endangered species, with two exceptions: 1) USFWS permits and approval for wolf management actions would no longer be required because wolves will not be a federally-protected species; and 2) the distance from a depredation site which damage management activities, specifically trapping, may be conducted will increase from 0.5 miles to 1 mile.

The increase in the distance from depredation sites where damage management activities may be conducted is as permitted in the WWMP and in the *Wisconsin Guidelines For Conducting Depredation Control On Wolves In Wisconsin While Federal Listed As "Threatened" Or "Endangered" Status* (EA Appendix E). The issue of distance from depredation sites where damage management would be permitted was raised by the public and discussed in the EA (Chapter 6, Issues 41, 68, 70 and 73). The 0.5 mile radius was the distance selected for maximum reduction of risks to wolves not involved in the damage problem that was deemed appropriate for a federally-listed *endangered* species (EA Chapter 6, Issue 68). Based on the experience of Federal and State biologists, knowledge of wolf territoriality (EA Chapter 6 Issue 41) and the need for increased flexibility to effectively address damage problems, the distance had been 1 mile in the 4(d) rules that were in effect while wolves in Wisconsin were federally-listed as a *threatened* species. Consequently, selection of a 1 mile radius for damage management activities is a conservative and reasonable choice for use after the delisting of wolves. Increasing the area where damage management may be conducted to a 1 mile radius around the damage site will not substantively change or increase risks to wolves that are not involved in the damage problem or other associated environmental risks and impacts as discussed in the EA. WDM activities would only be conducted at the increased distances from the depredation sites when trained personnel believe the action is necessary to manage the wolves associated with the damage problem.

AGENCY AUTHORITIES

Wildlife Services

WS is the Federal program authorized by law to reduce damage caused by wildlife (the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426-426b) as amended, and the Act of December 22, 1987 (101 Stat. 1329-331, 7 U.S.C. 426c)). The mission of the USDA/APHIS/WS program is to provide federal leadership in managing conflicts with wildlife. Wildlife Services' mission, developed through its strategic planning process (USDA 1999), is: 1) *"to provide leadership in wildlife damage management in the protection of America's agricultural, industrial and natural resources, and 2) to safeguard public health and safety."* WS recognizes that wildlife is an important public resource greatly valued by the American people. By its very nature, however, wildlife is a highly dynamic and mobile resource that can cause damage to agriculture and property, pose risks to human health and safety, and affect industrial and natural resources. WS conducts programs of research, technical assistance and applied management to resolve problems that occur when human activity and wildlife conflict. WS is involved in wolf management and research in Wisconsin as a designated agent of the WDNR.

Wisconsin Department of Natural Resources (WDNR)

The WDNR was a cooperating agency in the production of the EA. The WDNR, under the direction of a Governor appointed Natural Resources Board, is specifically charged by the Legislature with the management of the State's wildlife resources. Although legal authorities of the Natural Resources Board and the WDNR are expressed throughout Wisconsin Administrative Code (WAC), the primary statutory authorities include establishment of a system to protect, develop and use the forest, fish and game, lakes, streams, plant life, flowers, and other outdoor resources of the state (s. 23.09 Wis. Stats.) and law enforcement authorities (s. 29.001 and s. 29.921 Wis. Stats.). The Natural Resources Board adopted mission statements to help clarify and interpret the role of WDNR in managing natural resources in Wisconsin. They are:

- To protect and enhance our natural resources: our air, land and water; our wildlife, fish and forests and the ecosystems that sustain all life.
- To provide a healthy sustainable environment and a full range of outdoor opportunities.
- To ensure the right of all people to use and enjoy these resources in their work and leisure.
- To work with people to understand each other's views and carry out the public will. And in this partnership consider the future and generations to follow.

Great Lakes Indian Fish and Wildlife Commission (GLIFWC)

The Great Lakes Indian Fish and Wildlife Commission was a consulting agency in the production of the EA. GLIFWC is an agency of eleven Ojibwe nations in Minnesota, Wisconsin, and Michigan, with off-reservation treaty rights to hunt, fish and gather in treaty-ceded lands and waters. It exercises powers delegated by its member tribes. GLIFWC assists its member tribes in the implementation of off-reservation treaty seasons and in the protection of treaty rights and natural resources. GLIFWC provides natural resource management expertise, conservation enforcement, legal and policy analysis, and public information services. GLIFWC's member tribes include: the Bay Mills Indian Community, Keweenaw Bay Indian Community and the Lac Vieux Desert Band in Michigan; the Bad River, Red Cliff, Lac du Flambeau, Lac Courte Oreilles, Sokaogon and St. Croix Bands in Wisconsin; and the Fond du Lac and Mille Lacs tribes in Minnesota. All member tribes retained hunting, fishing and gathering rights in treaties with the U.S. government, including the 1836, 1837, 1842, and 1854 Treaties.

GLIFWC's Board of Commissioners, comprised of a representative from each member tribe, provides the direction and policy for the organization. Recommendations are made to the Board of Commissioners from several standing committees, including the Voigt Intertribal Task Force (VITF). The VITF was formed following the 1983 Voigt decision and makes recommendations regarding the management of the fishery in inland lakes and wild game and wild plants in treaty-ceded lands of Wisconsin.

Wisconsin Ho-Chunk Nation, Lac du Flambeau Band of Lake Superior Chippewa Indians

Wolves play an important role in tribal culture and spiritual beliefs. Tribal wolf management decisions are outside the scope of this analysis and decisions made in this EA do not alter the tribes' authority or rights relating to wolf management. However, this analysis does include the types of assistance WS may offer the tribes, if requested. Additionally, wolves move freely across boundaries of tribal lands and the WDM actions proposed in this EA can impact tribal wolf management and vice versa. The Lac du Flambeau Band of Lake Superior Chippewa Indians is also one of the tribes with off-reservation treaty rights to hunt, fish and gather in treaty-ceded lands and waters. The Ho-Chunk Nation do not have formal reservation boundaries, but own and occupy scattered parcels across central Wisconsin, especially within the Central Forest wolf range. The Ho-Chunk have been monitoring the wolf population in cooperation with the WDNR and have donated radio collars for tracking wolves. The health of the Central Wisconsin wolf population is of great concern to the Ho-Chunk Nation. It is for these reasons that the Wisconsin Ho-Chunk and Lac du Flambeau Band of Lake Superior Chippewa Indians chose to be consulting agencies in the production of this EA.

MONITORING

WS will continue to monitor the impacts of its activities on wolves and non-target species that could be affected by WDM activities. This will primarily be done by reporting and closely coordinating WS WDM activities with the WDNR to ensure that cumulative impacts of WS' actions in combination with all other wolf management activities are not having and adverse impact on the wolf population. The EA will also be reviewed each year to ensure that there are no new needs, issues or impacts meriting additional analysis.

PUBLIC INVOLVEMENT

The WDNR application for an endangered species permit was made available for a 30 day comment period by the USFWS on September 14, 2005. Responses to comments made on the WDNR permit application were incorporated in the draft EA as appropriate. The draft EA was made available for public comment on March 2, 2006 and the comment period closed on April 3, 2006. The draft EA was made available to the public through "Notices of Availability" published in the *Wausau Daily Herald*, *Ashland Daily Press*, *Milwaukee Journal Sentinel*, *Eau Claire Leader-Telegram*, *Wisconsin State Journal*, *Green Bay Press Gazette*, *La Crosse Tribune*, and *Marinette EagleHerald*, direct mailings of the NOA to parties that had specifically requested to be notified, through agency statewide news releases, and at the USFWS web site <http://www.fws.gov/midwest/wolf>.

A total of 56 comment letters were received, 25 supporting the proposed action and 31 opposed. All comments were analyzed to identify substantial new issues, alternatives, or to redirect the program. Responses to specific comments are included in Chapter 6 of the EA. All letters and comments are maintained at the Wildlife Services State Office, 732 Lois Dr., Sun Prairie, WI 53590. This decision

document will be made available to the public using legal notices in the same papers as for the EA and through direct mailings to individuals who expressed an interest in the original EA and Decision.

MAJOR ISSUES

The EA describes the alternatives considered and evaluated using the identified issues. The following issues were identified as important to the scope of the analysis.

- Effects on wolf populations in Wisconsin
- Effects on non-target species populations, including threatened and endangered species
- Effects on public and pet health and safety
- Humaneness of methods to be used
- Sociological issues including impacts on aesthetic values

AFFECTED ENVIRONMENT

Under the Proposed Action, wolf management could be conducted on private, Federal, State, tribal¹, county, and municipal lands in Wisconsin with the permission of the appropriate land owner/manager. Most WDM activities would be conducted on private land. WDM activities are only likely to be conducted on public land if that land is within the damage management perimeter (1.0 mile as set in the WWMP) around the site of a verified depredation event on private land, in the unlikely instance that a wolf preys on livestock legally present on public lands², or in the rare instance that a wolf is exhibiting behavior that poses a threat to human safety. Consultation will occur between the WDNR, WS, GLIFWC (if in ceded territory); and the appropriate public land manager if WDM is going to be conducted on public land. For example, of the 26 properties where WS conducted damage management actions (23 for the protection of livestock, 2 for the protection of pets, 1 for human safety) in FY 2005, in only 3 instances (protection of livestock) was damage management conducted on adjacent public land. It is more likely that wolf trapping and radio-collaring for wolf population monitoring and research could be conducted on public land (state, county and national forest lands). The public lands where wolf trapping for the purpose of radio-collaring and population monitoring has been conducted include Great Divide Ranger District of the Chequamegon-Nicolet National Forest, as well as County and WDNR land in Bayfield, Burnett, Douglas, Forest, Marinette, Oneida, and Sawyer Counties.

WS will notify GLIFWC if it plans to conduct wolf damage management activities in the ceded territories. Additionally, if a project is proposed for an area near the boundary of tribal lands, WS will consult with the affected tribe in accordance with Memoranda of Understanding and other agreements established among the WDNR, WS and the Tribe.

Wildlife Services is cooperatively working with the WDNR and will comply with the policies and guidelines set forth in the WWMP (WDNR 1999, 2006) whereby pertinent portions are incorporated in the EA by reference. The WDNR is currently establishing final procedures for implementing the WWMP after wolves are delisted. Once the procedures are established, WS will evaluate this EA to determine if WS' compliance with the revised WWMP and WDNR requests for assistance with WDM would result in needs for action and/or impacts greater than those analyzed. Some examples of actions that might be

¹ WS wolf damage management would only be conducted on tribal lands with the Tribes request/consent and only after appropriate documents had been signed by WS and the respective Tribe.

² WS is aware of a limited number of instances where livestock is or has been allowed to graze on State and county land.

taken when the revised WWMP is implemented that could trigger revision of this analysis include: (1) WS is requested to take a higher proportion of the wolf population than is proposed in this EA or cumulative impacts on the wolf population in WI (mortality from all known causes) exceeds that analyzed in this EA; (2) the plan results in a request for WS to conduct WDM to protect resources not analyzed in this EA; or (3) the plan results in requests for WS to change or add methods of conducting WDM that would result in greater impacts on the affected environment than those analyzed in this EA. If this is the case, then WS will revise this EA in accordance with the NEPA.

ALTERNATIVES THAT WERE FULLY EVALUATED

The following four alternatives were developed to respond to the issues. Six additional alternatives were considered but not analyzed in detail (EA Section 3.4). A detailed discussion of the effects of the alternatives on the issues is described in Chapter 4 of the EA. The following is a summary of the alternatives. The alternatives analyzed in the EA include the requirement for permits and/or 4(d) rules from the USFWS authorizing the take of a Federally-listed threatened or endangered species. These requirements will no longer be in effect once wolves are delisted. However, WS will authorization from the WDNR in order to conduct wolf damage management in Wisconsin.

Alternative 1 - Non-lethal WDM Only. Under this alternative, WS would only provide technical and operational assistance with non-lethal WDM. However, the state could still use and authorize others to use lethal WDM techniques. Consequently, the cumulative environmental impacts of this alternative are likely to be similar to Alternative 2.

Alternative 2 - Integrated WDM (No Action / Proposed Action). The No Action alternative serves as the baseline against which the impacts of management alternatives can be compared and can be defined as being the continuation of current management practices (CEQ 1981). However, at the time the EA was completed the current program of non-lethal WDM had only been in effect since the Federal Court Decision on September 13, 2005 and August 9, 2006 (Sections 1.3.1 and 1.3.9). Insufficient data existed at the time to adequately use current management conditions as a baseline for analysis. In contrast, Alternative 2 was used from April 1, 2003 to September 13, 2005 and April 24, 2006 thru August 9, 2006 and data are available on the environmental impacts of this alternative. Therefore, for purposes of analysis, the agencies used Alternative 2 as the "No Action" baseline when comparing the other alternatives to determine if the real or potential adverse affects are greater, lesser or the same (Table 4-4). Under this alternative, WS would have access to the complete range of non-lethal and lethal WDM methods. WS would only use lethal WDM methods in accordance with authorizations granted by the WDNR which would conduct case-by-case review of the use of lethal WDM methods.

Alternative 3 - Technical Assistance Only. WS would not conduct operational WDM in Wisconsin but could provide technical assistance on WDM methods that do not require permits or other authorization from the USFWS (Appendix B). Wildlife Services would also be able to conduct evaluations of potential wolf depredation sites needed to administer the wolf damage compensation program. However, the state could still use and authorize others to use lethal WDM techniques. Consequently, environmental impacts of this alternative are likely to be similar to Alternative 2.

Alternative 4 - No Federal WDM in Wisconsin. Under this alternative, WS would provide no assistance with WDM. However, the state could still use and authorize others to use lethal WDM techniques. Consequently, environmental impacts of this alternative are likely to be similar to Alternative 2.

DECISION AND FINDING OF NO SIGNIFICANT IMPACT

I have carefully reviewed the EA prepared for this proposal and the input from the public involvement process. I believe that the issues identified in the EA are best addressed by selecting Alternative 2 - Integrated WDM (No Action / Proposed Action) and applying the associated standard operating procedures discussed in Chapter 3 of the EA with the exceptions noted above. Alternative 2 is selected because (1) it best enables the management agencies to provide prompt, professional assistance with wolf conflicts and will help maintain local public tolerance of wolf recovery in Wisconsin thereby enhancing wolf conservation efforts; (2) it offers the greatest chance at maximizing effectiveness and benefits to resource owners and managers while minimizing cumulative impacts on the quality of the human environment that might result from the program's effect on target and non-target species populations; (3) it presents the greatest chance of maximizing net benefits while minimizing adverse impacts to public health and safety; and (4) it offers a balanced approach to the issues of humaneness and aesthetics when all facets of these issues are considered. WS decision to adherence to the Standard Operating Procedures and limits to activities proposed in the EA for use while wolves were federally-protected, with the exceptions noted above, insures that environmental impacts including WS take of wolves and impacts on the wolf population, risks to non-target species, impacts on public and pet health and safety, humaneness of methods to be used and sociological issues will remain as described in the EA.

The analysis indicates that there will not be a significant impact, individually or cumulatively, on the quality of the human environment as a result of this proposed action. I agree with this conclusion and therefore find that an EIS need not be prepared. This determination is based on the following factors:

1. Wolf damage management as proposed in the EA is not regional or national in scope.
2. Analysis of the cumulative impacts for this or other anticipated actions within the State or other Mid-west states indicates that the proposed action would not threaten the continued existence of the wolf population. Based on the rate of increase for the Michigan and Wisconsin wolf populations, the wolf population is large enough and healthy enough that even while the proposed action and all other mortality factors have adverse affects on individuals, they are not likely to adversely impact the viability of state wolf population.
3. The proposed action would pose minimal risk to public health and safety. Risks to the public from WS' WDM methods were determined to be low in a formal risk assessment (USDA 1997 Revised, Appendix P).
4. There are no unique characteristics such as park lands, prime farm lands, wetlands, wild and scenic areas, or ecologically critical areas that would be significantly affected. Built-in mitigation measures that are part of the action agencies' standard operating procedures and adherence to laws and regulations will further ensure that the agencies' activities do not harm the environment.
5. The effects on the quality of the human environment are not highly controversial. Although there is opposition to WDM proposed in the preferred alternative, this action is not highly controversial in terms of size, nature, or effect. Public controversy over wolf management has been acknowledged and addressed in the EA.
6. Based on the analysis documented in the EA and the accompanying administrative file, the effects of the proposed damage management program on the human environment would not be significant. The effects of the proposed activities are not highly uncertain and do not involve unique or unknown risks.

7. The proposed action would not establish a precedent for any future action with significant effects. Authorization issued by the WDNR will have to be reviewed and renewed annually.
8. No significant cumulative effects were identified through this assessment. The EA discussed cumulative effects on non-target species populations and concluded that such impacts were not significant for this or other anticipated actions to be implemented or planned within the State.
9. The proposed activities would not affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, nor would they likely cause any loss or destruction of significant scientific, cultural, or historical resources. If an individual activity with the potential to affect historic resources is planned under the selected alternative, then site-specific consultation as required by Section 106 of the NHPA would be conducted as necessary (EA Section 1.8.2).
10. The USFWS has determined that the proposed program would have no effect on or is not likely to adversely affect any Federal listed threatened or endangered species. This determination is based upon an Intra-Service Section 7 consultation completed by the USFWS for activities described in the EA and an August 23, 2006, consultation with the USFWS regarding the impacts of statewide WS program activities, including possible WDM activities on lynx. In addition WS and the WDNR have determined that the proposed program will not adversely affect any State-listed threatened or endangered species.
11. The proposed action will be in compliance with all federal, state, and local laws. The proposed action is consistent with the Wisconsin Coastal Zone Management Program.

Therefore, it is my decision to implement the proposed action (Alternative 2) as described in the Final EA. Copies of the Final EA are available upon request from the Wisconsin Wildlife Services State Office, 732 Lois Dr, Sun Prairie WI 53590, (608) 837-2727, on the WS website at:
<http://www.aphis.usda.gov/ws/eafrontpage.html>



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3/13/07
Date

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